

### **REMARKS**

In the June 30, 2005 Office Action, the specification was objected to and claims 1-12, 15-32, and 35-37 stand rejected in view of prior art, while claims 13, 14, 33, 34, and 38 were indicated as containing allowable subject matter. Claims 2, 4, 11-18, 30-38, 42, and 43 also were rejected for failing to indicate and claim particularly and distinctly the subject matter that Applicant regards as the invention. No other objections or rejections were made in the Office Action.

#### ***Status of Claims and Amendments***

In response to the June 30, 2005 Office Action, Applicant has amended claims 1, 2, 4, 10, and 23 and cancelled claims 39-50 as indicated above. Further, Applicant respectfully traverses one of the objections to the specification, the indefiniteness rejections of claims 11, 30, and 31, and the prior art rejections of claim 31. Moreover, Applicant has made additional amendments to claims 4, 19, 20, 28, 30, and 35 to correct typographical and/or form errors discovered upon review. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application. Thus, claims 1-38 are pending, with claims 1, 10, 11, 13, 23, 30, and 31 being the only independent claims. Reexamination and reconsideration of the pending claims are respectfully requested in view of above amendments and the following comments.

#### ***Election of Species***

On pages 2 and 3 of the Office Action, Applicant's election without traverse was acknowledged. Thus, non-elected claims 39-50 were withdrawn from further consideration. Applicant hereby affirms the election without traverse as required.

### ***Specification***

On pages 3 and 4 of the Office Action, the specification was objected to for misnumbered claims and a non-descriptive title. In response, Applicant has deleted the misnumbered claims rendering the objections thereto moot, and respectfully traverses the objection to the title.

Specifically, the title of the invention is FLYWHEEL ASSEMBLY, and each claim is explicitly directed to a flywheel assembly. Thus, Applicant respectfully asserts that the title is clearly indicative of the invention to which the claims are directed.

Applicant believes that the specification is now correct. Withdrawal of the objections is respectfully requested.

### ***Claim Rejections - 35 U.S.C. §112***

On page 4 of the Office Action, claims 2, 4, 11-18, 30-38, 42, and 43 were rejected under 35 U.S.C. §112, second paragraph. In response, Applicant has amended claims 2 and 4 to clarify those claims. Claims 42 and 43 have been cancelled rendering the rejections thereto moot. Further, Applicant respectfully traverses the rejections of claims 11-18 and 30-38.

Claim 2 has been amended to depend on claim 1 as suggested. Further, claim 4 has been amended to change "the bending direction" to -- a bending direction --.

Moreover, the Office Action states that the recitation in claims 11, 30, and 31 that the first and second members support both rotation direction ends of the springs appears to be inaccurate. However, as seen in Figure 26, first and second members 61 and 62 support both rotation direction ends of the spring 63 as recited. Applicant respectfully asserts that the aforementioned example is used for illustrative purposes only and not to limit the invention.

Applicant believes that the claims now comply with 35 U.S.C. §112, second paragraph. Withdrawal of the rejections is respectfully requested.

***Rejections - 35 U.S.C. § 102***

On pages 4 and 5 of the Office Action, claims 1-10, 19-29, and 39 stand rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 5,622,245 (Reik et al.). In response, Applicant has amended independent claims 1, 10, and 23 to define clearly the present invention over the prior art of record. Further, Applicant has cancelled claim 39 rendering the rejection thereto moot.

Applicant has amended claims 1, 10, and 23 to recite that the axially extending portion is freely attachable to and detachable from the flywheel in the axial direction. As seen in Figure 1 of Reik et al., the support member having the axially extending portion is attached to the flywheel by bolts 8.

Clearly, this structure is ***not*** disclosed or suggested by Reik et al. or any other prior art of record. It is well settled under U.S. patent law that for a reference to anticipate a claim, the reference must disclose each element of the claim within the reference. Therefore, Applicant respectfully submits that claims 1, 10, and 23 as now amended are not anticipated by the prior art of record. Withdrawal of this rejection is respectfully requested.

Moreover, Applicant believes that dependent claims 2-9 and 19-20 are also allowable over the prior art of record in that they depend from independent claim 1, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not anticipate the independent claim 1, 10, and 23 neither does the prior art anticipate the dependent claims.

Applicant respectfully requests withdrawal of the rejections.

***Rejections - 35 U.S.C. § 103***

On pages 6 and 7 of the Office Action, claims 11, 12, 15-18, 30-32, and 35-37 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,622,245 (Reik et al.) in view of U.S. Patent No. 6,047,804 (Feldhaus et al.). In response, Applicant has amended independent claims 10 as mentioned above, respectfully traverses the rejections of claims 31-32 and 35-37, and has included comments to support the traversals.

***Claim 10***

As mentioned claim 10 has been amended to recite that the axially extending portion is freely attachable to and detachable from the flywheel in the axial direction. As seen in Figure 1 of Reik et al., the support member having the axially extending portion is attached to the flywheel by bolts 8. The Office Action relies on Feldhaus et al. to show support members. As shown in Figure 4 of Feldhaus et al., Applicant respectfully asserts that Feldhaus et al. fail to disclose an axially extending portion that is part of a support member that supports a flywheel. Further, Applicant respectfully asserts that Feldhaus et al. also fail to disclose an axially extending portion that is freely detachable from a flywheel because it is fixed by bolts. Applicant respectfully asserts that since neither reference discloses or suggests an axially extending portion that is freely attachable to and detachable from the flywheel in the axial direction, the combination also fails to do so.

***Claims 11, 30, and 31***

Claims 11, 30, and 31 recite first and second dampers, with the spring of the second damper having a higher rigidity than that of the first. Further, claims 11, 30, and 31 also recite that the first damper has first and second members that support the rotation direction

ends of the first spring. Moreover, the aforementioned claims also recite an axially extending portion that is engaged with the first member.

As seen in the Figures of Reik et al., Reik et al. fail to disclose first and second dampers. Feldhaus et al. disclose first and second dampers. However, Feldhaus et al. fail to disclose an axially extending portion that engages with the first member. Since neither Reik et al. nor Feldhaus et al. disclose this feature, the combination thereof also fails to disclose this feature.

Clearly the aforementioned arrangements are **not** disclosed or suggested by the Reik et al. patent, the Feldhaus et al. patent, or any other prior art of record. It is well settled in U.S. patent law that the mere fact that the prior art can be modified does **not** make the modification obvious, unless the prior art **suggests** the desirability of the modification. Accordingly, the prior art of record lacks any suggestion or expectation of success for combining the patents to create the Applicant's unique arrangement of a flywheel assembly.

Moreover, Applicant believes that dependent claims 12, 13, 15-18, 32, and 35-37 are also allowable over the prior art of record in that they depend from independent claims 11 and 31, and therefore are allowable for the reasons stated above. Also, the dependent claims are further allowable because they include additional limitations. Thus, Applicant believes that since the prior art of record does not disclose or suggest the invention as set forth in independent claims 11 and 31, the prior art of record also fails to disclose or suggest the inventions as set forth in the dependent claims.

Therefore, Applicant respectfully requests that this rejection be withdrawn in view of the above comments and amendments.

***Allowable Subject Matter***

On page 8 of the Office Action, claims 13, 14, 33, 34, and 38 were indicated as containing allowable subject matter. Applicant wishes to thank the Examiner for this indication of allowable subject matter and the thorough examination of this application.

In response, Applicant has placed claim 13 in independent form as suggested.

***Prior Art Citation***

In the Office Action, additional prior art references were made of record. Applicant believes that these references do not render the claimed invention obvious.

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In view of the foregoing amendment and comments, Applicant respectfully asserts that claims 1-38 are now in condition for allowance. Reexamination and reconsideration of the pending claims are respectfully requested.

Respectfully submitted,



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